

KEVIN V. RYAN, CSBN 118321
United States Attorney
JOANN M. SWANSON, CSBN 88143
Assistant United States Attorney
Chief, Civil Division
CLAIRE T. CORMIER, CSBN 154364
Assistant United States Attorney

*E-filed 11/9/05**

150 Almaden Blvd., Suite 900
San Jose, California 95113
Telephone: (408) 535-5082
FAX: (408) 535-5081
Claire.Cormier@usdoj.gov

Attorneys for Defendants

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

FANG, Ai Qiu

Plaintiff,

v.

MICHAEL CHERTOFF, Secretary of the
Department of Homeland Security; ROBERT
DEVINE, Acting Director, U.S.
Citizenship and Immigration Services;
CONDOLLEEZA RICE, Secretary of State,
Department of State; JACKIE WONG, Officer
in Charge, USCIS Guangzhou Office,

Defendants.

C05-4381 JF

**STIPULATION AND [PROPOSED]
ORDER EXTENDING DEADLINE FOR
RESPONSIVE PLEADING AND
CONTINUING CASE MANAGEMENT
CONFERENCE**

USCIS Case No. A 95-410-277

The parties to this action, through their attorneys, hereby stipulate and request as follows:

1. Plaintiff filed this action on or about October 27, 2005. Defendants' answer currently is due on December 30, 2005. This case is scheduled for a case management conference on December 9, 2005 at 10:30 a.m.

2. The complaint alleges, inter alia, that plaintiff's husband and child ("the beneficiaries") have not received any notice from the defendants about the required interview and visa issuance relating to plaintiff's two approved Refugee Asylee Relative Petitions (Form I-730).

1 3. The U.S. Citizenship and Immigration Services ("CIS") has advised that it previously
2 scheduled an interview appointment for the beneficiaries on March 3, 2004, but the beneficiaries
3 did not appear for that interview. It appears that there may have been a miscommunication
4 regarding the correct address for the beneficiaries. The beneficiaries' current address has now
5 been verified, and CIS has schedule a new interview appointment for January 4, 2006.

6 4. Accordingly, in order to allow time for the currently scheduled interview and to determine
7 whether this matter can be resolved without further litigation, the parties stipulate and request that
8 the Court enter an order stating that defendants may have to and including February 17, 2006 to
9 answer, move, or otherwise respond to plaintiff's complaint in this action. The parties further
10 request that the case management conference, currently scheduled for December 9, 2005, be
11 rescheduled to March 3, 2006.

12 IT IS SO STIPULATED.

13 Dated: November 8, 2005

Respectfully submitted,

14 KEVIN V. RYAN
15 United States Attorney

16 /s/ Claire T. Cormier
17 CLAIRE T. CORMIER
18 Assistant United States Attorney
Attorneys for Defendants

19 Dated: November 8, 2005

BAUGHMAN & WANG

20
21 /s/ Justin X. Wang
22 JUSTIN X. WANG
Attorneys for Plaintiff

23 //

24 //

25 //

26 //

27 //

28 //

PROPOSED ORDER

Pursuant to the stipulation of the parties and good cause appearing, the deadline for defendants to answer, move, or otherwise respond to the complaint in this action is hereby extended to February 17, 2006. The case management conference, previously scheduled for December 9, 2005, is hereby continued to March 3, 2006 at 10:30 a.m.

IT IS SO ORDERED.

DATE: 11/9/05

/s/electronic signature authorized

Jeremy Fogel

United States District Judge